

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TEXARKANA DIVISION

MARY MARGARET MATHIS, §  
individually and as Administrator §  
of the ESTATE OF HOLLY BARLOW-AUSTIN; §  
and MICHAEL GLENN AUSTIN, individually, §  
§  
Plaintiffs, §

V.

SOUTHWESTERN CORRECTIONAL,  
LLC, d/b/a LASALLE CORRECTIONS,  
LLC and LASALLE SOUTHWEST  
CORRECTIONS; LASALLE MANAGEMENT  
COMPANY, LLC; BOWIE COUNTY, TEXAS;  
TIMOTHY REYNOLDS, M.D., individually;  
STEVEN FOLTZ, individually;  
JAMES MCCANN, individually;  
MICHELLE ARNOLD, individually;  
TIFFANY HILL; individually; MARKESHA  
JONES, individually; A. HUGHES, individually;  
B. CERY, individually; and JOHN  
and JANE DOES 1-10.

Defendants.

**ANSWER OF TIMOTHY REYNOLDS, M.D., individually;  
STEVEN FOLTZ, individually; and JAMES MCCANN, individually TO  
PLAINTIFF'S SECOND AMENDED COMPLAINT**

COME NOW, **TIMOTHY REYNOLDS, M.D., STEVEN FOLTZ, and JAMES McCANN**, and for their Answer to Plaintiffs' Second Amended Complaint, state as follows:

## Introduction - Background Facts

In or around January, 2019, Southwestern Correctional LLC dba LaSalle Corrections

“LaSalle” and JHdocs PLLC reached an agreement for JHdocs PLLC to provide limited medical services for inmates housed at the Bowie County Jail at 105 West front Street, Texarkana, Texas 75501. Pursuant to the Agreement, those medical services were limited to no more than one (1) on-site visit per week and no less than 6 and no more than 12 hours per month at the Bowie County Jail. During the limited one (1) on-site visit per week and no more than 12 hours per month visits at the Bowie County Jail, JHdocs PLLC health care providers generally traveled to a designated room at the facility to see or examine inmates who completed proper forms and were brought to the examination room by LaSalle employees. JHdocs PLLC health care providers did not have access to video of inmates’ activities, including videos of Holly Barlow-Austin, in the facility, nor did the JHdocs PLLC health care providers travel to each inmate’s cell to perform an examination. Under the Agreement, the JHDocs medical providers had no contractual duty to train or supervise the LaSalle medical staff. Presumably, the training and supervision of LaSalle nurses and other staff was being performed by other designated LaSalle staff, either on-site or at a corporate level. These Defendants further contend that, as independent contractors, the law imposed no duty on them to train or supervise the employees of LaSalle, and that they did not undertake to do so. These Defendants reserve the right to supplement this Introduction - Background Facts as discovery is completed.

#### ANSWER

1. Separate Defendants admit that Holly Barlow-Austin was incarcerated at Bi-State Justice Center and / or “The Annex” during the relevant time period. Separate Defendants further admit that both facilities were operated and managed by LaSalle Corrections. Separate Defendants deny the remaining material allegations of paragraph 1 to the extent that they are directed to these Defendants.

2. Separate Defendants deny the material allegations of paragraph 2 to the extent that they are directed to these Defendants.

3. Separate Defendants deny the material allegations of paragraph 3 to the extent that they are directed to these Defendants.

4. Separate Defendants admit that this Court has jurisdiction, as alleged, but deny that they, individually or collectively, violated Barlow-Austin's Civil Rights.

5. Separate Defendants admit the allegations of paragraph 5.

6. Separate Defendants admit the allegations of paragraph 6, but deny that they engaged in any "events or omissions" as alleged.

7. Separate Defendants are without specific knowledge to admit or deny the material allegations of paragraph 7, and, therefore, deny same.

8. Separate Defendants are without specific knowledge to admit or deny the material allegations of paragraph 7, and, therefore, deny same.

9. Separate Defendants admit that Bowie County is a governmental entity and a subdivision of the State of Texas. Separate Defendants further admit that Bi-State Justice Center is a correctional facility that straddles the state line between Texas and Arkansas. Separate Defendants further admit that pretrial detainees have a Fourteenth Amendment right to Due Process, and that convicted felons have an Eighth Amendment right against cruel and unusual punishment. Separate Defendants are without sufficient information to admit or deny the remaining allegations of paragraph 9, and therefore, deny same.

10. . Separate Defendants admit that Bowie County is a governmental entity, and that it contracted with LaSalle Corrections to provide administrative and medical services to inmates

housed at Bi-State and the Annex. Separate Defendants are without sufficient information to admit or deny the remaining allegations of paragraph 10, and therefore, deny same.

11. Separate Defendants are without sufficient information to admit or deny the allegations of paragraph 11, and therefore, deny same.

12. Separate Defendants are without sufficient information to admit or deny the allegations of paragraph 12, and therefore, deny same.

13. Separate Defendants admit that Timothy Reynolds is a United States citizen who resides in the State of Texas. Separate Defendants deny the remaining material allegations of paragraph 13.

14. Separate Defendants admit that Steven Foltz is a United States citizen who resides in the State of Texas. Separate Defendants further admit that, at limited times, Steven Foltz provided medical care to inmates housed at Bi-State and the Annex. Separate Defendants further admit that the provision of such medical services was performed under color of state law. Separate Defendants deny the remaining material allegations of paragraph 14.

15. Separate Defendants admit that James McCann is a United States citizen who resides in the State of Texas. Separate Defendants further admit that, at limited times, James McCann provided medical care to inmates housed at Bi-State and the Annex. Separate Defendants further admit that the provision of such medical services was performed under color of state law. Separate Defendants deny the remaining material allegations of paragraph 15.

16. Separate Defendants are without sufficient information to admit or deny the material allegations of paragraph 16, and therefore, deny same.

17. Separate Defendants are without sufficient information to admit or deny the material allegations of paragraph 17, and therefore, deny same.

18. Separate Defendants are without sufficient information to admit or deny the material allegations of paragraph 18, and therefore, deny same.

19. Separate Defendants are without sufficient information to admit or deny the material allegations of paragraph 19, and therefore, deny same.

20. Separate Defendants are without sufficient information to admit or deny the material allegations of paragraph 20, and therefore, deny same.

21. Separate Defendants are without sufficient information to admit or deny the material allegations of paragraph 21, and therefore, deny same.

22. Separate Defendants are without sufficient information to admit or deny the material allegations of paragraph 22, and therefore, deny same.

23. Separate Defendants are without sufficient information to admit or deny the material allegations of paragraph 23, and therefore, deny same.

24. Upon information and belief, Barlow-Austin was a pretrial detainee, and as such was entitled to Due Process under the Fourteenth Amendment. However, for jurisprudence purposes, the analysis is the same for a pretrial detainee and a convicted person's right to freedom from cruel and unusual punishment. Separate Defendants are without sufficient information to admit or deny the remaining material allegations of paragraph 24, and therefore, deny same.

25. Separate Defendants are without sufficient information to admit or deny the material allegations of paragraph 25, and therefore, deny same.

26. Separate Defendants are without sufficient information to admit or deny the material allegations of paragraph 26, and therefore, deny same.

27. Separate Defendants are without sufficient information to admit or deny the material allegations of paragraph 27, and therefore, deny same.

28. Separate Defendants are without sufficient information to admit or deny the material allegations of paragraph 28, and therefore, deny same.

29. Separate Defendants are without sufficient information to admit or deny the material allegations of paragraph 29, and therefore, deny same.

30. Separate Defendants are without sufficient information to admit or deny the material allegations of paragraph 30, and therefore, deny same.

31. Separate Defendants are without sufficient information to admit or deny the material allegations of paragraph 31, and therefore, deny same.

32. Separate Defendants are without sufficient information to admit or deny the material allegations of paragraph 32, and therefore, deny same.

33. Separate Defendants are without sufficient information to admit or deny the material allegations of paragraph 33, and therefore, deny same.

34. Separate Defendants are without sufficient information to admit or deny the material allegations of paragraph 34, and therefore, deny same.

35. Separate Defendants are without sufficient information to admit or deny the material allegations of paragraph 35, and therefore, deny same.

36. Separate Defendants are without sufficient information to admit or deny the material allegations of paragraph 36, and therefore, deny same.

37. Separate Defendants are without sufficient information to admit or deny the material allegations of paragraph 37, and therefore, deny same.

38. Separate Defendants are without sufficient information to admit or deny the material allegations of paragraph 38, and therefore, deny same.

39. Separate Defendants are without sufficient information to admit or deny the material allegations of paragraph 39, and therefore, deny same.

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41. Separate Defendants are without sufficient information to admit or deny the material allegations of paragraph 41, and therefore, deny same.

42. Separate Defendants are without sufficient information to admit or deny the material allegations of paragraph 42, and therefore, deny same.

43. Separate Defendants are without sufficient information to admit or deny the material allegations of paragraph 43, and therefore, deny same.

44. Separate Defendants are without sufficient information to admit or deny the material allegations of paragraph 44 and therefore, deny same.

45. Separate Defendants admit that Steven Foltz saw and evaluated Barlow-Austin on May 3, 2019, for complaints of headaches, nausea, vomiting, and blurred vision. Separate Defendants deny the remaining material allegations of paragraph 45.

46. Separate Defendants are without sufficient information to admit or deny the material allegations of paragraph 46, and therefore, deny same.

47. Separate Defendants are without sufficient information to admit or deny the material allegations of paragraph 47, and therefore, deny same.

48. Separate Defendants are without sufficient information to admit or deny the material allegations of paragraph 48, and therefore, deny same.

49. Separate Defendants are without sufficient information to admit or deny the material allegations of paragraph 49, and therefore, deny same.

50. Separate Defendants are without sufficient information to admit or deny the material allegations of paragraph 50, and therefore, deny same.

51. Separate Defendants are without sufficient information to admit or deny the material allegations of paragraph 51, and therefore, deny same.

52. Separate Defendants are without sufficient information to admit or deny the material allegations of paragraph 52, and therefore, deny same.

53. Separate Defendants are without sufficient information to admit or deny the material allegations of paragraph 53, and therefore, deny same.

54. Separate Defendants are without sufficient information to admit or deny the material allegations of paragraph 54, and therefore, deny same.

55. Separate Defendants are without sufficient information to admit or deny the material allegations of paragraph 55, and therefore, deny same.

56. Separate Defendants are without sufficient information to admit or deny the material allegations of paragraph 56, and therefore, deny same.

57. Separate Defendants admit that James McCann saw and evaluated Barlow-Austin on May 31, 2019, for complaints of headaches and enlarged lymph node. Separate Defendants deny the remaining material allegations of paragraph 57.

58. Separate Defendants are without sufficient information to admit or deny the material allegations of paragraph 58, and therefore, deny same.

59. Separate Defendants are without sufficient information to admit or deny the material allegations of paragraph 59, and therefore, deny same.

60. Separate Defendants are without sufficient information to admit or deny the material allegations of paragraph 60, and therefore, deny same.



61. Separate Defendants are without sufficient information to admit or deny the material allegations of paragraph 61, and therefore, deny same.

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64. Separate Defendants are without sufficient information to admit or deny the material allegations of paragraph 64, and therefore, deny same.

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72. Separate Defendants are without sufficient information to admit or deny the material allegations of paragraph 72, and therefore, deny same.

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79. Separate Defendants are without sufficient information to admit or deny the material allegations of paragraph 79, and therefore, deny same.

80. Separate Defendants are without sufficient information to admit or deny the material allegations of paragraph 80, and therefore, deny same.

81. Separate Defendants are without sufficient information to admit or deny the material allegations of paragraph 81, and therefore, deny same.

82. Separate Defendants are without sufficient information to admit or deny the material allegations of paragraph 82, and therefore, deny same.

83. Separate Defendants are without sufficient information to admit or deny the material allegations of paragraph 83, and therefore, deny same.

84. Separate Defendants are without sufficient information to admit or deny the material allegations of paragraph 84, and therefore, deny same.

85. Separate Defendants are without sufficient information to admit or deny the material allegations of paragraph 85, and therefore, deny same.

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90. Separate Defendants are without sufficient information to admit or deny the material allegations of paragraph 90, and therefore, deny same.

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93. Separate Defendants are without sufficient information to admit or deny the material allegations of paragraph 93, and therefore, deny same.

94. Separate Defendants are without sufficient information to admit or deny the material allegations of paragraph 94, and therefore, deny same.

95. Separate Defendants are without sufficient information to admit or deny the material allegations of paragraph 95, and therefore, deny same.

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99. Separate Defendants are without sufficient information to admit or deny the material allegations of paragraph 99, and therefore, deny same.

100. Separate Defendants are without sufficient information to admit or deny the material allegations of paragraph 100, and therefore, deny same.

101. Separate Defendants are without sufficient information to admit or deny the material allegations of paragraph 101, and therefore, deny same.

102. Separate Defendants are without sufficient information to admit or deny the material allegations of paragraph 102, and therefore, deny same.

103. Separate Defendants are without sufficient information to admit or deny the material allegations of paragraph 103, and therefore, deny same.

104. Separate Defendants are without sufficient information to admit or deny the material allegations of paragraph 104, and therefore, deny same.

105. Separate Defendants are without sufficient information to admit or deny the material allegations of paragraph 105, and therefore, deny same.

106. Separate Defendants are without sufficient information to admit or deny the material allegations of paragraph 106, and therefore, deny same.

107. Separate Defendants are without sufficient information to admit or deny the material allegations of paragraph 107, and therefore, deny same.

108. Separate Defendants are without sufficient information to admit or deny the material allegations of paragraph 108, and therefore, deny same.

109. Separate Defendants are without sufficient information to admit or deny the material allegations of paragraph 109, and therefore, deny same.

110. Separate Defendants are without sufficient information to admit or deny the material allegations of paragraph 110, and therefore, deny same.

111. Separate Defendants are without sufficient information to admit or deny the material allegations of paragraph 111, and therefore, deny same.

112. Separate Defendants are without sufficient information to admit or deny the material allegations of paragraph 112, and therefore, deny same.

113. Separate Defendants are without sufficient information to admit or deny the material allegations of paragraph 113, and therefore, deny same.

114. Separate Defendants are without sufficient information to admit or deny the material allegations of paragraph 114, and therefore, deny same.

115. Separate Defendants are without sufficient information to admit or deny the material allegations of paragraph 115, and therefore, deny same.

116. Separate Defendants are without sufficient information to admit or deny the material allegations of paragraph 116, and therefore, deny same.

117. Separate Defendants are without sufficient information to admit or deny the material allegations of paragraph 117, and therefore, deny same.

118. Separate Defendants are without sufficient information to admit or deny the material allegations of paragraph 118, and therefore, deny same.

119. Separate Defendants are without sufficient information to admit or deny the material allegations of paragraph 119, and therefore, deny same.

120. Separate Defendants are without sufficient information to admit or deny the material allegations of paragraph 120, and therefore, deny same.

121. Separate Defendants are without sufficient information to admit or deny the material allegations of paragraph 121, and therefore, deny same.

122. Separate Defendants are without sufficient information to admit or deny the material allegations of paragraph 122, and therefore, deny same.

123. Separate Defendants are without sufficient information to admit or deny the material allegations of paragraph 123, and therefore, deny same.

124. Separate Defendants are without sufficient information to admit or deny the material allegations of paragraph 124, and therefore, deny same.

125. Separate Defendants deny the allegations of paragraph 125.

126. Separate Defendants admit that Foltz and McCann are Advanced Nurse Practitioners. To the extent that this paragraph asserts allegations against Michelle Arnold, Separate Defendants are without sufficient information to admit or deny. Separate Defendants deny the remaining allegations of paragraph 126.

127. Separate Defendants are without sufficient information to admit or deny the allegations of paragraph 127.

128. Separate Defendants deny the allegations of paragraph 128.

129. Separate Defendants deny the allegations of paragraph 129.

130. Separate Defendants deny the allegations of paragraph 130.

131. Separate Defendants are without sufficient information to admit or deny the allegations of paragraph 131, and therefore, deny same.

132. Separate Defendants are without sufficient information to admit or deny the material allegations of paragraph 132, and therefore, deny same.

133. Separate Defendants are without sufficient information to admit or deny the material allegations of paragraph 133, and therefore, deny same.

134. Separate Defendants are without sufficient information to admit or deny the material allegations of paragraph 134, and therefore, deny same.

135. Separate Defendants are without sufficient information to admit or deny the material allegations of paragraph 135, and therefore, deny same.

136. Separate Defendants are without sufficient information to admit or deny the material allegations of paragraph 136, and therefore, deny same.

137. Separate Defendants are without sufficient information to admit or deny the material allegations of paragraph 137, and therefore, deny same.

138. Separate Defendants are without sufficient information to admit or deny the material allegations of paragraph 138, and therefore, deny same.

139. Separate Defendants are without sufficient information to admit or deny the material allegations of paragraph 139, and therefore, deny same.

140. Separate Defendants are without sufficient information to admit or deny the material allegations of paragraph 140, and therefore, deny same.

141. Separate Defendants are without sufficient information to admit or deny the material allegations of paragraph 141, and therefore, deny same.

142. Separate Defendants are without sufficient information to admit or deny the material allegations of paragraph 142, and therefore, deny same.

143. Separate Defendants are without sufficient information to admit or deny the material allegations of paragraph 143, and therefore, deny same.

144. Separate Defendants are without sufficient information to admit or deny the material allegations of paragraph 144, and therefore, deny same.

145. Separate Defendants are without sufficient information to admit or deny the material allegations of paragraph 145, and therefore, deny same.

146. Separate Defendants are without sufficient information to admit or deny the material allegations of paragraph 146, and therefore, deny same.

147. Separate Defendants are without sufficient information to admit or deny the material allegations of paragraph 147, and therefore, deny same.

148. Separate Defendants are without sufficient information to admit or deny the material allegations of paragraph 148, and therefore, deny same.

149. Separate Defendants are without sufficient information to admit or deny the material allegations of paragraph 149, and therefore, deny same.

150. Separate Defendants are without sufficient information to admit or deny the material allegations of paragraph 150, and therefore, deny same.



151. Separate Defendants are without sufficient information to admit or deny the material allegations of paragraph 151, and therefore, deny same.

152. Separate Defendants are without sufficient information to admit or deny the material allegations of paragraph 152, and therefore, deny same.

153. Separate Defendants are without sufficient information to admit or deny the material allegations of paragraph 153, and therefore, deny same.

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156. Separate Defendants are without sufficient information to admit or deny the material allegations of paragraph 156, and therefore, deny same.

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159. Separate Defendants are without sufficient information to admit or deny the material allegations of paragraph 159, and therefore, deny same.

160. Separate Defendants are without sufficient information to admit or deny the material allegations of paragraph 160, and therefore, deny same.

161. Separate Defendants are without sufficient information to admit or deny the material allegations of paragraph 161, and therefore, deny same.

162. Separate Defendants are without sufficient information to admit or deny the material allegations of paragraph 162, and therefore, deny same.

163. Separate Defendants are without sufficient information to admit or deny the material allegations of paragraph 163, and therefore, deny same.

164. Separate Defendants are without sufficient information to admit or deny the material allegations of paragraph 164, and therefore, deny same.

165. Separate Defendants are without sufficient information to admit or deny the material allegations of paragraph 165, and therefore, deny same.

166. Separate Defendants are without sufficient information to admit or deny the material allegations of paragraph 166, and therefore, deny same.

167. Separate Defendants are without sufficient information to admit or deny the material allegations of paragraph 167, and therefore, deny same.

168. Separate Defendants are without sufficient knowledge to admit or deny the material allegation of paragraph 168, and therefore, deny same.

169. Separate Defendants deny the allegations of paragraph 169.

170. Separate Defendants deny the allegations of paragraph 170.

171. Separate Defendants join in Plaintiff's demand for a jury trial.

172. Separate Defendants deny that Plaintiff is entitled to any relief as prayed for in Section VI, *et seq.*

173. Separate Defendants deny each and every, all and singular, the allegations not heretofore admitted.

### AFFIRMATIVE DEFENSES

174. Defendants would show that the death of Holly Barlow-Austin was solely caused or proximately caused by the failure of other persons and parties to use ordinary care and comply with legal duties they owed.

175. Defendants are not liable to Plaintiffs because Plaintiffs' damages were caused by the acts of other parties or other persons over whom Defendants had no control and/or exercised no control.

176. Defendants would further show that Plaintiffs' injuries and resulting damages, if any, were proximately caused by the negligence of other parties and/or unknown third parties over which Defendants had no control and/or exercised no control.

177. The death of Holly Barlow-Austin was proximately caused, in whole or in part, by a new, independent, and/or superseding act or omission or breach of some duty of other parties or third parties, known or unknown, over whom Defendants had no control and/or exercised no control. Pleading affirmatively, Defendants assert and contend Plaintiff's' alleged injuries and damages were the result of a pre-existing and/or subsequently existing condition of Holly Barlow-Austin and not the result of any act or omission on the part of these Defendants.

### PRAYER

Wherefore, premises considered, Defendants pray that Plaintiffs take nothing by way of this lawsuit, that Plaintiffs' Second Amended Complaint be dismissed with prejudice, for costs and attorney's fees, and all such other and further relief to which Defendants may be entitled.

Respectfully submitted,

MORGAN, COOK & BECK, L.L.P.  
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Texarkana, Texas 75503

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Facsimile: 903-794-5651

Email: [jlcook@mcblawfirm.com](mailto:jlcook@mcblawfirm.com)

/s/ James L. Cook

James L. Cook, Texas Bar No. 24034387  
ATTORNEY FOR TIMOTHY  
REYNOLDS, M.D., STEVEN FOLTZ, and  
JAMES McCANN

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of Court using the CM/ECF system on this the 15<sup>th</sup> day of January, 2021.

/s/ James L. Cook

James L. Cook